

face of the record.

The court has reviewed de novo the portions of the M&R to which defendant objected. The scope of judicial review of a final decision concerning disability benefits under the Social Security Act, 42 U.S.C. § 301 et seq., is limited to determining whether substantial evidence supports the Commissioner's factual findings and whether the Commissioner applied the correct legal standards. See, e.g., 42 U.S.C. § 405(g); Shinaberry v. Saul, 952 F.3d 113, 120 (4th Cir. 2020); Walls v. Barnhart, 296 F.3d 287, 290 (4th Cir. 2002); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Substantial evidence is evidence a "reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971) (quotation omitted); see Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019). It "consists of more than a mere scintilla of evidence but may be less than a preponderance." Smith v. Chater, 99 F.3d 635, 638 (4th Cir. 1996); see Biestek, 139 S. Ct. at 1154; Shinaberry, 952 F.3d at 120. This court may not reweigh the evidence or substitute its judgment for that of the Commissioner. See, e.g., Shinaberry, 952 F.3d at 120; Hays, 907 F.2d at 1456. Rather, in determining whether substantial evidence supports the Commissioner's decision, the court examines whether the Commissioner analyzed the relevant evidence and sufficiently explained his findings and rationale concerning the evidence. See, e.g., Shinaberry, 952 F.3d at 120; Sterling Smokeless Coal Co. v. Akers, 131 F.3d 438, 439–40 (4th Cir. 1997).

Defendant argues that the "M&R is fundamentally flawed when it comes to the recommendation on the pace limitation." [D.E. 36] 3. Defendant asks the court to reject the M&R and affirm the decision that plaintiff is not disabled. See id. at 10.

Plaintiff objects that Judge Numbers misconstrued Judge Terrence W. Boyle's remand order. Plaintiff also restates arguments made to Judge Numbers concerning plaintiff's residual functional capacity and Dr. Burnette's medical opinions. Compare [D.E. 26] 3, 10–22 with [D.E. 37] 1–4.

Judge Numbers properly construed the remand order, properly remanded for the ALJ to explain what the ALJ meant by “Clanton could not perform work at a production rate pace,” and thoroughly applied the proper legal standards. See M&R [D.E. 33]. Accordingly, the court adopts the M&R and overrules the objections.

In sum, the court OVERRULES defendant’s objection to the M&R [D.E. 36], OVERRULES plaintiff’s objections to the M&R [D.E. 37], ADOPTS the conclusions in the M&R [D.E. 33], GRANTS plaintiff’s motion for judgment on the pleadings [D.E. 25], DENIES defendant’s motion for judgment on the pleadings [D.E. 30], and REMANDS the action to the Commissioner for further consideration consistent with the M&R and this order.

SO ORDERED. This 17 day of August 2021.



JAMES C. DEVER III
United States District Judge